

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

ROBERT S. BREWER,

Plaintiff,

v.

MICHAEL J. ASTRUE, Commissioner of  
the Social Security Administration,

Defendant.

CASE NO. 12-cv-05808-BHS-JRC

REPORT AND RECOMMENDATION  
ON STIPULATED MOTION FOR  
REMAND

This matter has been referred to Magistrate Judge J. Richard Creatura pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Magistrates Rule MJR 4(a)(4), and as authorized by *Mathews, Secretary of H.E.W. v. Weber*, 423 U.S. 261 (1976). This matter is before the Court on defendant's stipulated motion to remand the matter to the administration for further consideration pursuant to sentence four of 42 U.S.C. § 405(g). (ECF No. 21.)

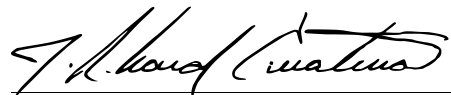
After reviewing defendant's stipulated motion and the relevant record, the undersigned recommends that the Court grant defendant's motion, and reverse and remand this matter to the Commissioner.

1 On remand, based on the parties' stipulation, this Court recommends that the  
2 Administrative Law Judge hold a new hearing and issue a new decision. The Administrative  
3 Law Judge should re-contact Kitsap Mental Health Services regarding the mix-up of plaintiff's  
4 medical records; consider whether or not plaintiff's impairment meets or equals Listing 4.11;  
5 reassess the residual functional capacity; and obtain, if necessary, supplemental vocational expert  
6 testimony to assist in determining what impact, if any, plaintiff's impairments would have on his  
7 ability to perform work-related activities.

8 This Court further recommends that the ALJ take any other actions necessary to develop  
9 the record. In addition, plaintiff should be allowed to submit additional evidence and arguments  
10 to the ALJ on remand.

11 Given the facts and the parties' stipulation, the Court recommends that the District Judge  
12 immediately approve this Report and Recommendation and order that the Commissioner's  
13 decision be **REVERSED** and the case **REMANDED** to the Commissioner for further  
14 proceedings pursuant to sentence four of 42 U.S.C. § 405(g). *See Melkonyan v. Sullivan*, 501  
15 U.S. 89 (1991).

16 Dated this 6th day of February, 2013.

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18 J. Richard Creatura  
19 United States Magistrate Judge  
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